

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

REC'D 3/1/06 HS

To: Chief Procurement Officer

From: Health/Developmental Disabilities Division
Department/Division/Agency

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):

Developmental Disabilities Division's Request for Exemption from Chapter 103F for JF was approved on 12/16/05. Due to the nature of this particular client's needs, the Department of Health (DOH) requested SPO's consideration to approve this request until June 2006 based on the following situation. The transitional residential support services for this particular adult female with developmental disabilities/mental retardation, and psychiatric disorder with challenging behaviors has been very difficult. Local providers that have dealt with client and client's family are unwilling to work with family to provide needed services. This client has had many hospitalizations over the past year and has been hospitalized for an extended period of time (beyond the normal period for the injury), due to difficulty in securing an alternative residential placement with additional behavioral supports. These residential services under a quasi-medical behavioral model, whereby, the client's services are directed by the behavior support plan needed to be continued until placement into Kennedy Krieger Institute in Baltimore. In January, 2006 this client was placed at Kennedy Krieger Institute. However, the delay in transition to Kennedy Krieger imposed additional service hours by Nursefinders, Inc. (which was the only provider interested on Maui in providing these services to this particular individual). The funding amount cited in the original request is not enough to cover the cost of her services until she was admitted to Kennedy Krieger Institute. Therefore, we are requesting an increase of an additional \$100,000 to cover the remaining outstanding bill.

Provider Name: BCP, Inc. dba Nursefinders of Hawaii	Total Contract Funds: \$300,000 (\$200,000 orig + additional \$100,000)	Term of Contract:
Provider Address: 1100 Ward Avenue, Suite 770 Honolulu, HI 96814	Contract Funds per Year (as applicable).	From: To: November June 30, 2006 13, 2005

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Health and safety of DD/MR individual was critical to this situation and previous attempts to place this client has been extremely difficult. This client's behavior in an unfamiliar situation has caused major issues with her family and DOH staff, that ultimately has caused DOH staff no other option but to have client hospitalized. Satisfactory placement after hospitalization has been difficult for this client as private providers on Oahu and Maui have refused to provide services to this client. Last hospitalization and release required DOH administrator's intervention with the family to negotiate an interim arrangement (until Kennedy Krieger Institute has an available bed) whereby, the client would be supported without jeopardizing health and safety. Client's present condition, particularly her challenging behaviors (which had been exacerbated by her numerous hospitalization), the DOH agreed to provide 1:1 and 2:1 personal assistance supports directed by a behavior team to ensure her health and safety while on Maui til Kennedy Krieger was ready to admit. During this period, Nursefinders staff was expected to be on call and available 24/7 to address her challenging behaviors. Communications between team members, case manager, and family has been intense in order to maintain a required level of support. The DOH had requested the continuation of these services until successful placement at Kennedy Krieger Institute in Baltimore and Request for Exemption from Chapter 103F was approved on 12/16/2005. The Program is in final receipt of individual's bill for services rendered.

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Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

DOH has approached various providers about this client. There are limited providers on Maui with both the expertise and trained staff to implement and monitor behavior support plans. Due to knowledge and past dealings with client, other providers on Maui are unwilling to assist at this time. Nursefinders, Inc. had been identified, as having the experienced and trained staff to provide these needed services for this particular client. In addition, Nursefinders, Inc. is a contracted Medicaid waiver provider. Client was admitted to Kennedy Krieger Institute in Baltimore in January, 2006 and DOH has secured alternative method of payment for this placement through Medicaid. Upon her return to Hawaii, services after stabilization period will be transitioned to funding under the Home and Community Based Services - DD/MR waiver.

In order to close the outstanding account for services rendered to client until her placement into Kennedy Krieger in January 2006, approval is requested to increase the purchase order to \$100,000 to cover the remaining bill.

A description of the state agency's internal controls and approval requirements for the exempted procurement: There are limited providers who have contracts with the Department of Human Services as Medicaid waiver providers. Given the nature of the situation and to fulfill requirements in providing services on Maui, the selected provider must have expertise and trained staff. DOH has approached other providers, however, due to knowledge of and past dealings with individual, they are unwilling to assist at this time.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

David Fray, Chief, Developmental Disabilities Division, Department of Health
Elizabeth Fletcher, DD/MR Compliance Officer, Developmental Disabilities Division
Linda M. Rosen, M.D., M.P.H., Deputy Director, Health Resources Administration, Department of Health


Direct questions to (name & position):
Dr. David Fray, Chief
Developmental Disabilities Division

Phone number:
586-5842

e-mail address:
david.fray@doh.hawaii.gov

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☒ No ☐

I certify that the information provided above is to the best of my knowledge, true and correct.


Department Head Signature

FEB 23 2006

Date

Chiyome Leinaala Fukino, M.D.
Typed Name

Director of Health
Position Title

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Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ Approved

☐ Denied


Chief Procurement Officer

3/8/06
Date

cc: Administrator
State Procurement Office

State of Hawaii
Notice of Request for Exemption from Chapter 103F, HRS

The chief procurement officer is considering this request for exemption and, if there is good cause, the state intends to exempt the purchase as described in the request. Any inquiries regarding the purchase shall be directed to the contact person noted on page two of the request. Any concerns regarding the exemption shall be in writing and received by the chief procurement officer within seven days of the date the notice was first posted. Concerns shall be mailed to: Aaron Fujioka, Chief Procurement Officer, State Procurement Office, 1151 Punchbowl St., #230A, Honolulu, HI 96813.